2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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The issue of non-compliance with articles I, III, IV and VI of the Treaty

Working paper submitted by the Islamic Republic of Iran

1. One of the major challenges of the Non-Proliferation Treaty is the cases of non-compliance by certain nuclear-weapon States with their obligations, which no mechanism is stipulated in the Treaty yet to address. While there is an established mechanism to verify the obligations under article III of the Treaty for non-nuclear-weapon States stipulated in the IAEA statute, no mechanism has been designed to address the non-compliance cases with other provisions of the Treaty, particularly non-compliance of nuclear-weapon States. One of the main tasks of the Review Conference is to identify such cases and to find ways and means to fully address them. In this context, the Islamic Republic of Iran would like to elaborate its views on this issue as follows.

2. The review conferences have the mandate to consider principles, objectives and ways to promote the full implementation of the Treaty, including nuclear disarmament as one of its main pillars. The Conference requires a thorough review of the implementation of provisions of the Treaty related to nuclear disarmament, non-proliferation and promotion of cooperation on the peaceful uses of nuclear energy, namely articles I, III, IV, and VI, as well as the objectives inherent in the preamble to the Treaty.

3. Dealing with the question of nuclear disarmament definitely needs a review of the unfulfilled commitments in the past and thinking of actual disarmament measures, as well as new initiatives aimed at the total elimination of nuclear weapons. In this respect, the nuclear weapon States have the basic and fundamental obligation to particularly implement such provisions aimed at creating a world completely free from the horror of nuclear weapons. It was promising that, following the end of the cold war and the termination of the East-West confrontation, some attempts were made by some nuclear-weapon States to reduce their reliance on nuclear weapons and remove the operational status of their nuclear weapons and detarget the particular States.

4. In contrast, some significant developments have served as a serious setback for the Treaty obligations with respect to nuclear disarmament. It is unfortunate that

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there has been a tendency by some to propagate that the nuclear-weapon States do not have any legal or even political obligation under the Non-Proliferation Treaty for nuclear disarmament. One of these nuclear-weapon States once claimed that "article VI is just one sentence long". It argued that, since article VI does not refer to nuclear-weapon States, does not provide any timetable and sets no deadline for the accomplishment of nuclear disarmament, it "contains no suggestion that nuclear disarmament is to be achieved before general and complete disarmament".

5. Despite the high expectations of the international community for real change in the United States Nuclear Posture Review in a manner that removes the existing concerns on the role of nuclear weapons, the recently released nuclear doctrine of the United States has not lived up to the international community's expectations. A review of the new United States nuclear policy reveals the continuation of a disturbing trend. The continued emphasis of the new United States Nuclear Posture Review on maintaining nuclear weapons, relying on the obsolete deterrence policy, allocating several billions of dollars to the modernization of the United States arsenals, limiting the reductions of nuclear weapons to decommissioning them and, by doing so, evading the obligation to eliminate them, and raising new excuses for keeping nuclear weapons in the new Nuclear Posture Review, are clear indications of the United States policy to continue its non-compliance with its obligations under article VI.

6. There is no doubt that the decision to modernize nuclear weapons and spend billions of dollars to construct new nuclear facilities runs counter to the obligation of the nuclear-weapon States to systematically reduce their nuclear weapons and represents obvious non-compliance with article VI of the Treaty. Despite the major concerns expressed by the international community, in particular the Non-Aligned Movement, the United States has not responded to the concerns expressed over the modernization of its nuclear arsenals and has continued the construction of new installations under the pretext of securing more reliable nuclear weapons.

7. The nuclear-weapon States, moreover, should engage immediately and in good faith in substantive work for the speedy and meaningful implementation of their obligations under the Treaty, in particular article VI and their commitments under the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East. Any reduction of nuclear weapons, whether strategic or non-strategic, should be in a transparent, verifiable and irreversible manner. It is a matter of concern that the reductions under the New START treaty are not internationally verifiable and thus have not removed the concerns of States parties.

8. The United States nuclear cooperation with the Zionist regime, as hard evidenced after the agreement reached during the United States Energy Secretary's visit to the occupied territories in February 2000, is in fact another aspect of violation of article I obligations by the United States, and the source of concern for all Non-Proliferation Treaty members and especially the Middle East countries, which are all members of the Treaty family. This agreement, which was claimed for peaceful purposes and nuclear cooperation between the United States and the Zionist regime, is also a clear violation of article III (2), which stipulates that cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required by" the Treaty. The Zionist regime's

unsafeguarded nuclear weapons facilities and nuclear arsenal pose a real threat to all countries of the region and to international peace and security. The second agreement signed by the director of the Israeli Atomic Energy Commission and the chairman of the United States Nuclear Regulatory Commission, enabling the Zionist regime to access most of the latest nuclear data and technology available in the United States, constitutes another United States non-compliance with the provisions of the Treaty. It seems that the United States is not shy about supporting that regime's nuclear weapons programme. The disclosed "top secret document dated 23 August 1974" clearly shows the role of the United States in equipping the Zionist regime with nuclear weapons.

9. Furthermore, on the issue of nuclear sharing, the nuclear-weapon States are committed to comply with their commitment to the full implementation of article I. They should refrain from nuclear sharing, under any kind of security arrangements, among themselves, with non-nuclear-weapon States and those not parties to the Treaty.

10. The transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to the nuclear weapons capability of non-parties to the Treaty without exception and in particular to the Zionist regime, whose unsafeguarded nuclear facilities endanger security and stability in the Middle East, must be prohibited. In this regard, the Review Conference should make a clear decision to prohibit any kind of nuclear weapon sharing or cooperation between States parties with the non-parties to the Treaty. The Chemical Weapons Convention could set an example in this regard.

11. In the context of article III, the new decision of the Nuclear Suppliers Group, an exclusive and non-transparent Group which claims to have been established to strengthen the non-proliferation regime, has severely damaged the Treaty. The decision of this Group is a clear violation of paragraph 2 of article III, which stipulates that cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required by" the Non-Proliferation Treaty.

12. The said decision which was taken under United States pressure, is also a violation of the commitment of nuclear-weapon States under the 1995 decision on the principles and objectives and the Final Document adopted at the 2000 Review Conference to promote the universality of the Treaty. The Nuclear Supplier Group's decision is in contravention of the obligation on the promotion of the universality of the Treaty and has seriously jeopardized its credibility and integrity. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty.

13. The United States, for a long time, has been in non-compliance with its obligations under the Treaty, which provides in its article I "not to transfer to any recipient whatsoever nuclear weapons", by transferring hundreds of nuclear weapons to certain non-nuclear-weapon States under the NATO umbrella. The United States-deployed nuclear weapons in other countries are extremely integrated into the military infrastructure of the countries hosting those weapons.

14. Joint research on nuclear warheads between two nuclear-weapon States is a matter of grave concern for non-nuclear-weapon States and represents serious non-compliance with article I of the Treaty. According to data published on 9 February 2009, the United States military has been using Great Britain's atomic weapons facility to carry out research for its own warhead programme. In this regard, the United States defence officials have declared that "very valuable" warhead research has taken place at the Atomic Weapon Establishment at Aldermaston in Berkshire as part of an ongoing and secretive deal between the British and American Governments.

15. The efforts to modernize nuclear weapons by clinging to outdated cold war arrangements and justifications raise serious questions for public opinion. Deploying hundreds of nuclear weapons in non-nuclear-weapon States and training the fighter bomber pilots of the hosting countries to prepare for handling and delivering the United States nuclear bombs against the nuclear- as well as the non-nuclear-weapon States contravene both the letter and spirit of the Non-Proliferation Treaty and constitute clear non-compliance with the Treaty by both the United States and the European Union. It is noteworthy that the new United States Nuclear Posture Review has clearly confessed the existence of such non-compliance with the Treaty and declared that the deployed nuclear weapons would remain in the European Union territories. The Review Conference cannot be indifferent to this obvious case of non-compliance. Furthermore, the danger of nuclear incidents by terrorist activities requires a viable solution to deal with such transferred weapons. This has compelled many, including parliaments in these countries, to request compliance with the Treaty obligations and the withdrawal of nuclear forces from their territories.

16. The United States and some other nuclear-weapon States are still dangerously persisting in outdated doctrines and the so-called traditional role of "deterrence". Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, which had a destructive power 10,000 times larger than previous explosive devices, the United States has designed and built thermonuclear bombs a thousand times more destructive than fission bombs. The continued existence of thousands of such bombs in the stockpiles of the United States and other nuclear powers has kept the fate of civilization and of humanity itself under horror and panic. By insisting on keeping nuclear bombs or merely decommissioning part of them, nuclear-weapon States themselves are the source of proliferation. As long as one nuclear-weapon State or nuclear power outside of the Treaty insists on maintaining the nuclear option, the other nuclear-weapon States will do the same, and this vicious circle will never end. Thus the non-nuclear-weapon States that have already forgone the nuclear option are rightly asking why these terrible weapons exist. Under what circumstances and for what purpose could the use or threat of use of the world's most destructive mass-terror weapons ever be justified?

17. France has also announced the addition of a new nuclear-armed ballistic missile-carrying submarine to its nuclear arsenals. The President of France is quoted as saying that "French nuclear forces are a key element in Europe's security". In defiance of its international obligations, this country is seeking to find and define new roles and missions for its nuclear forces in order to justify the continued retention of these forces in the post-cold war era. In so doing, they have even resorted to irresponsible methods such as the manipulation of intelligence and fear to promote programmes that their people would otherwise not support.

18. Furthermore, French officials recently announced that they will develop new nuclear plans to modernize nuclear arsenals and army and will spend €377 billion on this plan till 2020, which is a continued move against the Treaty regime. This development is a matter of grave concern and should be seriously addressed in the next Review Conference.

19. The decision of the United Kingdom to renew and further develop its nuclear weapons capability by approving the Trident programme, is in full contravention of article VI of the Treaty and in defiance of the unanimous decision of the 2000 Review Conference. The Trident programme can generate and in fact expand the nuclear arms race beyond the traditional rivalry between the two most powerful nuclear-weapon States and is thus a special source of concern for the international community and a clear setback in the global efforts to bolster nuclear disarmament and non-proliferation. Despite all calls by the international community and public opinion to stop this project, United Kingdom officials announced that billions of pounds would be allocated to a programme to replace Britain's Trident nuclear submarines.

20. The non-compliance with the Treaty obligations is not limited to the violations of articles I, III and VI by the United States and its allies; these States have also consistently violated the provisions of article IV of the Treaty, which provides for international cooperation and transfer of peaceful nuclear technologies to the Treaty States parties. Contrary to such obligations, the United States has been at the forefront of the imposition of unilateral restrictions against the Treaty States parties, in particular the developing countries. Such non-compliance with article IV merits thorough consideration by the Review Conference.

21. All non-nuclear-weapon States parties to the Treaty consider the pursuit and development of nuclear technology for peaceful purposes as their inalienable right, and thus can invest human and material resources in this field. Restrictions imposed by nuclear suppliers that have targeted peaceful nuclear programmes can affect the entire industry and all possible sources of supply of material and equipment of the Treaty States parties, thus seriously affecting development plans, in particular in the developing countries. Clear violations of article IX obligations by certain States by depriving States parties of the exercise of their inalienable right, as well as illegal and unilateral sanctions, are a matter of great concern to the developing countries. This issue should be followed seriously at the Conference.

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Nuclear disarmament and reduction of the danger of nuclear war

Working paper submitted by China

The Chinese delegation hereby requests that the following elements be included in the report of Main Committee I and the final document of the Review Conference:

1. Pursuing a new security concept featuring mutual trust, mutual benefit, equality and coordination, fostering a peaceful and stable international security environment, resolving international disputes through peaceful means and increasing the sense of security for all countries constitute the basis for the progress of nuclear disarmament.

2. Fully respecting and accommodating the legitimate and reasonable security concerns of all countries, refraining from pursuing one's own security at the expense of others and ensuring security for all through win-win cooperation constitute the precondition of the progress of nuclear disarmament.

3. Adhering to multilateralism, maintaining and enhancing the authority, universality and effectiveness of relevant multilateral institutions and treaties, strengthening international legal framework governing arms control, disarmament and non-proliferation are the right path to advancing international arms control and disarmament, including nuclear disarmament.

4. The relationship among nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy should be properly handled, so as to make them mutually complementary and reinforcing.

5. All nuclear weapon States should dedicate themselves to the goal of complete prohibition and thorough destruction of nuclear weapons, earnestly fulfil their obligations under article VI of the Non-Proliferation Treaty and publicly undertake not to seek permanent possession of nuclear weapons.

6. Nuclear disarmament undertakings, including intermediate steps and transparency measures, should follow the guidelines of promoting global strategic stability and undiminished security for all, and should be conducive to promoting international peace and security.

7. States possessing the largest nuclear arsenals bear special responsibility for nuclear disarmament and should take the lead in drastically reducing their nuclear arsenals in a verifiable, irreversible and legally binding way, so as to create necessary conditions for the ultimate realization of complete and thorough nuclear disarmament.

8. The Comprehensive Nuclear-Test-Ban Treaty is an important step in the nuclear disarmament process. Countries that have not done so should sign and ratify the Treaty as soon as possible so that it may enter into force at an early date according to relevant provisions. Pending the entry into force of the Treaty, nuclear-weapon States should continue to observe their moratoriums on nuclear explosions.

9. The Conference on Disarmament should, based on its programme of work, start at an early date the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Simultaneously, it should also begin substantive work on important issues such as nuclear disarmament, prevention of weaponization of and an arms race in outer space and negative security assurances.

10. When conditions are ripe, other nuclear-weapon States should also join the multilateral negotiations on nuclear disarmament. To attain the ultimate goal of complete and thorough nuclear disarmament, the international community should develop, at an appropriate time, a viable long-term plan composed of phased actions, including the conclusion of a convention on the complete prohibition of nuclear weapons.

11. Development and deployment of global missile defence systems, which undermines global strategic stability and international cooperation in this regard, should not be carried out so as to avoid impairing international nuclear disarmament efforts. The Conference on Disarmament in Geneva should negotiate and conclude relevant international legal instruments as soon as possible so as to prevent the weaponization of and an arms race in outer space.

12. The following measures should be undertaken to promote nuclear disarmament, reduce the danger of nuclear war and diminish the role of nuclear weapons in national security policy:

(a) To abandon the nuclear deterrence policy based on first use of nuclear weapons;

(b) To further their commitments not to target their nuclear weapons against any countries, or to lift any condition or caveat of nuclear strikes;

(c) To undertake not to be the first to use nuclear weapons at any time or under any circumstances, unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and to conclude relevant international legal instruments;

(d) To support efforts of relevant countries and regions in establishing nuclear-weapon-free zones and other weapons of mass destruction-free zones in accordance with the regional conditions and on the basis of voluntary consultations and agreements;

(e) Countries that deploy nuclear weapons abroad should withdraw and repatriate all such weapons;

(f) To abandon the policy and practice of "nuclear umbrella" and "nuclear sharing";

(g) To take all necessary steps to avoid accidental or unauthorized launches of nuclear weapons;

(h) Reaffirming the universality of the Non-Proliferation Treaty and enhancing its authority in all relevant respects. Countries that have not yet done so should accede to the Treaty as non-nuclear weapon States at an early date.

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Non-proliferation of nuclear weapons

Working paper submitted by China

The Chinese delegation hereby requests that the following elements be included in the report of Main Committee II and the final document of the Review Conference:

1. The prevention of nuclear weapons proliferation is an effective and necessary step towards the complete prohibition and thorough destruction of nuclear weapons. It is of great importance to preserve regional and international peace and security. It is in the common interests and a shared responsibility of the international community.

2. All States should pursue the new security concept featuring mutual trust, mutual benefit, equality and coordination, commit themselves to fostering a peaceful and stable international environment and ensure security for all through win-win cooperation, so as to remove the root causes of conflict and instability.

3. Double standards and pragmatism on nuclear non-proliferation issues must be discarded. The principle of multilateralism should be followed and the role of the United Nations and other international organizations should be stressed and given full play. The fair, reasonable and non-discriminatory nature of the international nuclear non-proliferation regime should be continuously strengthened on the basis of universal participation and democratic decision-making.

4. All concerns related to proliferation of nuclear weapons should be addressed peacefully through political and diplomatic means within the framework of existing international laws. Application of sanctions is not an effective way to solve problems, neither is resort to force or threat to use force. Safeguarding international and regional peace, security and stability is a necessary precondition for the settlement of the hotspot nuclear proliferation issues.

5. The universality of the Non-Proliferation Treaty is an important component of preventing nuclear weapons proliferation. Countries that have not yet done so should join the Treaty as non-nuclear-weapon States as soon as possible and place all their nuclear facilities under the safeguards of the International Atomic Energy Agency (IAEA) in accordance with the provisions of the Treaty.

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6. Efforts should be made to continuously consolidate and enhance the role of the Treaty as the cornerstone of the international non-proliferation regime, to enhance its authority and effectiveness, and to ensure the strict compliance of relevant provisions of the Treaty.

7. The IAEA safeguards are an important means of preserving the effectiveness of the international nuclear non-proliferation regime. The universality of comprehensive safeguards agreements and additional protocols should be promoted.

8. All States should take measures to further strengthen nuclear export control regimes. Efforts by the Zangger Committee and the Nuclear Suppliers Group to this end should be supported.

9. All States should earnestly implement Security Council resolutions 1540 (2004) and 1887 (2009), and promote and enhance international cooperation on the basis of existing international laws, so as to effectively address illicit trafficking of weapons of mass destruction, their means of delivery, and related materials by non-State actors.

10. Nuclear non-proliferation and peaceful uses of nuclear energy are mutually reinforcing. Any nuclear non-proliferation effort should not undermine the legitimate rights of peaceful uses of nuclear energy. Simultaneously, efforts should be made to prevent any country from engaging in proliferation activities under the pretext of peaceful use. Any international cooperation on peaceful uses of nuclear energy should be conducive to strengthening the effectiveness of the international non-proliferation regime.

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Peaceful uses of nuclear energy

Working paper submitted by China

The Chinese delegation requests that the following elements be included in the report of Main Committee III and the final document of the Review Conference:

1. It is the inalienable right of the States parties to the NPT to develop research, production and use of nuclear energy for peaceful purposes. It is also one of the fundamental objectives of the Non-Proliferation Treaty and the statute of the International Atomic Energy Agency (IAEA). Promoting the peaceful uses of nuclear energy and relevant international cooperation is conducive to a comprehensive realization of all the objectives of the Treaty, as well as advancing nuclear disarmament and the non-proliferation process.

2. The promotion of the peaceful uses of nuclear energy and the prevention of nuclear weapons proliferation are mutually complementary and reinforcing. Non-proliferation efforts should not undermine the legitimate rights of countries, especially that of the developing countries, to the peaceful uses of nuclear energy.

3. A proper balance between the two categories of IAEA activities, the safeguards and international cooperation in the peaceful uses of nuclear energy, will ensure member States' active support of and participation in the IAEA activities.

4. Adequate resources should be guaranteed for the IAEA promotional and technical cooperation activities. All States parties should contribute to the Technical Cooperation Fund in full and on time.

5. The developed countries and the IAEA should extend their assistance to the developing countries, in accordance with their actual needs, on peaceful uses of nuclear energy.

6. Enhancing nuclear security is of great significance to ensuring sustained development of nuclear energy. All countries bear the responsibilities to take physical protection measures to secure nuclear material and facilities within their respective jurisdictions. Earnest efforts should be made to consolidate the existing international legal framework and strengthen international cooperation. IAEA should continue to play a leading role in the field of nuclear security.

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7. Relevant parties should continue the constructive discussions on establishing a multilateral nuclear fuel supply mechanism in order to reach a solution acceptable to all. IAEA may play an active role in this regard.